

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x 13-CV-4801

JACQUELINE GARDNER,

Plaintiff

-against-

ANSWER

CHASE RECEIVABLES,

Defendant

-----x

Defendant, CREDIT BUREAU OF NAPA VALLEY, INC. d/b/a CHASE RECEIVABLES (“Defendant CR”), by its attorney ROBERT L. ARLEO, ESQ., answering the Plaintiff’s Complaint which was filed with the Court on July 11, 2013 (“hereinafter “the Complaint”), sets forth as follows:

1. In regard to the allegations set forth in paragraph 1 of the Plaintiff’s Complaint admit that this action is brought under the Fair Debt Collection Practices Act (“FDCPA”), but deny that the Defendant CR committed any violation(s) of the FDCPA. The Defendant CR further alleges that injunctive relief may not be obtained in an FDCPA matter absent an agreement to injunctive relief by a debt collector.

2. In regard to the allegations set forth in paragraphs 6 and 7 of the Complaint, leave to the Court all determinations in regard to jurisdiction and venue.
3. Admit the allegations set forth in paragraphs, 2, 10 and 11 of the Plaintiff's Complaint.
4. Deny the allegations set forth in paragraphs 3, 15 and 16 of the Plaintiff's Complaint.
5. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraphs 4, 9 and 12 of the Plaintiff's Complaint.
6. In regard to the allegations set forth in paragraph 14 of the Plaintiff's Complaint refer to 15 U.S.C. § 1692c(b) to determine whether the allegations set forth in paragraph 14 are accurate.
7. In regard to the allegations set forth in paragraphs 8 and 13 of the Plaintiff's Complaint refer to the contents of the paragraphs set forth heretofore herein and incorporate same by reference herein.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

8. Any violation of the FDCPA was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adopted to avoid any such error.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

9. The Plaintiff failed to mitigate her alleged actual damages.

DATED: New York, New York
July 25, 2013

By: / s / Robert L. Arleo
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